

Name: Alley – Right-of-Way Abandonment

Location: Block bounded by West 26th, West 27th, Allis and Brown Streets

Owner/Applicant: Aaron D. Agnew, Sr.

Request: To abandon the north 99 feet of the 20 foot wide (north/south) alley right-of-way located within block bounded by West 26th, West 27th, Allis and Brown Streets (unplatted block).

Purpose: To fence a portion of the alley right-of-way to control access.

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the utility companies object to the abandonment request. Several of the utilities request to retain the entire area of abandonment as a utility easement. The Public Works Comment is as follows:

1. Drainage easement should be maintained in the alley to convey storm water from adjacent property.

B. Master Street Plan:

There are no Master Street Plan issues associated with this abandonment request, as the right-of-way is not classified as a Collector Street or higher.

C. Characteristics of Right-of-Way Terrain:

The alley right-of-way is currently grass covered with some areas of gravel. The alley is overgrown in a few spots.

D. Development Potential:

After abandonment, the applicant plans to fence off the north 99 feet of the alley right-of-way to control access. The south portion of the alley will remain in its current condition.

E. Neighborhood and Land Use Effect:

There are five (5) single family residences within the west half of the block. Two (2) of the residences are vacant and boarded. There are four (4) single family residences within the east half of the block. Commercial zoning and uses are located to the south along West Roosevelt Road. R-3 zoning and residences are located within the blocks to the north, east and west.

F. Neighborhood Position:

The five (5) other property owners within this block and the Love and Goodwill Neighborhood Associations were notified of the abandonment request. As of this writing, staff knows of no objectors to the abandonment request.

G. Effect on Public Services or Utilities:

Wastewater: No objection to abandonment. Alley right-of-way must be retained as an easement for existing Little Rock Waste Water sewer main.

Entergy: Entergy has no objection to abandonment and closure of the northern part of the alley between 26th and 27th Streets and between Brown and Allis Streets in Little Rock as long as the following conditions are met:

1. Entergy is requested and reimbursed to relocate its facilities in that portion of the alley. This relocation will require the removal of overhead primary facilities in the alley and installation of new primary facilities to re-feed customers in the area as discussed with you on 01/23/14 by Brad Vance and Chris Minner of Entergy.
2. Arrangements are made by you or your designee to relocate cable TV and/or telephone attachments to Entergy's poles in the same area. Entergy cannot do any relocation work until this is accomplished.

Entergy will allow closure of the northern part of this alley as long as Entergy retains an easement and vehicular access to its remaining facilities currently contained in the southern portion of the alley as this line provides service to the remaining residents on both sides of the alley.

Centerpoint Energy: No objection to abandonment.

AT&T (SBC): No objection to abandonment. Retain area of abandonment as a utility easement for existing facilities.

Water: No objection to abandonment.

H. Reversionary Rights:

An abstract company was able to find no reversionary rights of record.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT:

(MAY 21, 2014)

Aaron Agnew was present, representing the application. Staff described the proposed alley abandonment request. The condition of the alley and its proposed use after abandonment were discussed. The utility comments were briefly discussed.

After the discussion, the Committee forwarded the application to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the request to abandon the north 99 feet of the 20 foot wide (north/south) alley right-of-way located within the unplatted block bounded by West 26th, West 27th, Allis and Brown Streets, subject to the entire area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(JUNE 12, 2014)

The applicant was not present. There were no objectors present. Staff informed the Commission that the applicant had not submitted signatures from all of the property owners within the block and the item needed to be deferred to the July 24, 2014 agenda. There was no further discussion. The item was placed on the consent agenda and deferred to the July 24, 2014 agenda by a vote of 10 ayes, 0 noes and 1 absent.

PLANNING COMMISSION ACTION:

(JULY 24, 2014)

Aaron D. Agnew, Sr. was present, representing the application. There was one (1) person present with concerns. Staff presented the application with a recommendation of approval, with condition.

Aaron Agnew addressed the Commission in support of the application. He deferred his time to hear from the person with concerns.

Savoy Wiley addressed the Commission with concerns. He explained that the alley right-of-way had been used by utility companies in the past. He noted that he had no problem with Mr. Agnew abandoning only that portion of the alley right-of-way adjacent to his property.

Mr. Agnew explained that only the portion of the alley right-of-way adjacent to his property would be abandoned. He noted that he wished to construct one (1) single family home on his overall property.

There was a motion to approve the abandonment request, as recommended by staff. The motion passed by a vote of 10 ayes, 0 noes and 1 absent. The application was approved.